

Serial No. 10/733,740
Atty. Doc. No. 2003P15291US

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REMARKS

Claims 5 and 13 have been amended, claims 25 and 26 have been canceled, and new claims 27-29 has been added. Thus, claims 1-23 and 27 are presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response To Rejections Under Section 112:

Claims 1-4, 6-12, 22, 23 stand rejected under 35 U.S.C. § 112, first paragraph, the Examiner contending that use of the term 'unbound' to modify the phrase 'homogenous mixture' was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention.

Applicants respectfully submit herewith Declarations of inventor Vinod Philip and non-inventor corporate assignee employees Andrew Burns and Anand Kulkarni, to evidence that the original specification reasonably conveyed to one skilled in the art that the inventors had possession of the term 'unbound' to modify the phrase 'homogenous mixture' and that the homogenous mixture reasonably is not 'completely' (i.e. 100%) unbound but is more precisely clearly 'mostly' (i.e. more bound than unbound) unbound and freely flowing.

Response To Rejections Under Section 103:

Claims 5 and 13 stand rejected under 35 U.S.C. § 103(a), the Examiner contending that these claims are obvious over Longo (USPN 4,450,184) in view of Nagaraj (2005/0191516). Claims 14-15 and 17-19 stand rejected under 35 U.S.C. § 103(a), the Examiner contending that these claims are obvious over Longo '184 or '343 in view of Nagaraj further in view of Japan 2002-275614 (Japan '615). Claims 16 and 20-21 stand rejected under 35 U.S.C. § 103(a), the Examiner contending that these claims are obvious over Longo '184 or '343 in view of Nagaraj further in view of Spitsberg (USPAP 2003 / 0027012).

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Claim 5 has been amended to recite that the thermal barrier coating is porous and that most of the first and second constituents being freely flowing relative to each other within the homogenous mixture.

Claim 13 has been amended to recite that the thermal barrier coating is porous and that the homogeneous mixture is mixed by ball milling or wet chemical mixing.

Applicants respectfully submit that independent claims 5 and 13, as well the claims which depend thereon are in condition for allowance and respectfully request allowance of the pending claims.

New Claim 27

New claim 27 further define the scope of the invention, as described in the specification and drawings and are believed to be patentable. For example, claim 27 recites that mixing the first and second constituents to form a homogeneous composite powder mixture without fusing the first and second constituents into hollow structures and using the low velocity oxygen fuel process to apply the homogenous composite powder mixture such that the second constituent at least partially encases the first constituent.

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Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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